

Article - Criminal Law

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§11–203.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Distribute” includes to rent.
- (3) “Illicit sex” means:
 - (i) human genitals in a state of sexual stimulation or arousal;
 - (ii) acts of human masturbation, sexual intercourse, or sodomy; or
 - (iii) fondling or other erotic touching of human genitals.
- (4) “Item” means a:
 - (i) still picture or photograph;
 - (ii) book, pocket book, pamphlet, or magazine;
 - (iii) videodisc, videotape, video game, film, or computer disc; or
 - (iv) recorded telephone message.
- (5) “Obscene” means:
 - (i) that the average adult applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;
 - (ii) that the work depicts sexual conduct specified in subsection (b) of this section in a way that is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material; and
 - (iii) that the work, taken as a whole, lacks serious artistic, educational, literary, political, or scientific value.
- (6) “Partially nude figure” means a figure with:

(i) less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola; or

(ii) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(b) (1) A person may not willfully or knowingly display or exhibit to a minor an item:

(i) the cover or content of which is principally made up of an obscene description or depiction of illicit sex; or

(ii) that consists of an obscene picture of a nude or partially nude figure.

(2) A person may not willfully or knowingly engage in the business of displaying, exhibiting, selling, showing, advertising for sale, or distributing to a minor an item:

(i) the cover or content of which is principally made up of an obscene description or depiction of illicit sex; or

(ii) that consists of an obscene picture of a nude or partially nude figure.

(3) If a newsstand or other place of business is frequented by minors, the owner, operator, franchisee, manager, or an employee with managerial responsibility may not openly and knowingly display at the place of business an item whose sale, display, exhibition, showing, or advertising is prohibited by paragraph (2) of this subsection.

(c) The provision of services or facilities by a telephone company under a tariff approved by the Public Service Commission is not a violation of subsection (b) of this section relating to recorded telephone messages.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

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